

IN The District Court of Mississippi Southern District

Armstrong J. Knight

V.

George Payne Jr. et al

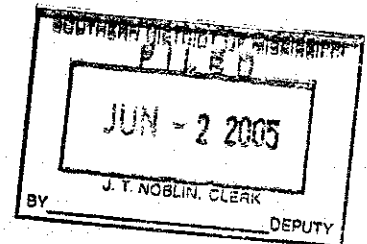
Plaintiff

Action No.

1:05 CV.186-LG-JMR.

Defendant's

Motion of Amend Of Complaint.



Come's Now, The plaintiff, Armstrong J. Knight, and file's this, His motion to amend his Complaint in accordance to Court order dated May 12th 2005.

The plaintiff dose assert that he is a pro-se litigant and preform's to the best of his abillity. he currently is incarcerated without the be-
-nifit of any legal assistance, by mean's of personnel, of acess to legal material and is adresssing through state Remidy procidure. He ask that the Court be patent and understanding with him with the above understanding.

I

The plaintiff, for safe meaasure, Re-assert's that at the time of all the below time frame's was a pre-trial, Non-Convicted detainee. it is his understanding that the right's Retained by pre trial detainee's are at least as great as those Reserved by Convicted prisoner's, see 21, u.s.c. § 848 (9)(4) (B) (2000) and; Washington v. laporte County Sheriff Dept., 306, F.3d. 515, 517, (7th Cir 2002). the proper review pretaining to Non-convicted, pre-trial detainee lye within the 5th and 14th amendment's u.s. Constitution, see Bell v. Wolfish, 441, u.s. 520, 545, (1979) because pre-trial detainee's are innocent untill proven guilty they are not subject to punishment. abuse is a form of punishment whare due process is at least extensive for pre-trial detainee's, as the 8th amendment is for prisoner's, see sanders v. Sheahan, 198, F.3d. 626, 628, (7th Cir 1999), as well as medical Care ect:

, see *Gibson v. County of Washoe*, 290 F.3d 1175, 1187, (9th Cir 2002). where the plaintiff preserves his pre-trial status he asserts the violations made against him under the 5th and 14th, also otherwise 8th amendment's U.S. Constitution.

II

The plaintiff sets forth as directed by the Court, how each defendant had violated his Constitutional rights, declaring that the continuing and ongoing manner in which the rights of the plaintiff were violated, created a interrelation of right deprivation among the defendant's. the plaintiff focuses on each defendant individually.

III

A.) specifically how defendant George Payne Jr violated my Constitutional rights.

Defendant George Payne violated the plaintiff's 5th, 14th, 8th amendment Constitutional rights to be free from abuse, unsanitary housing conditions, being cruel and unusual punishment, also religion slander by deliberate indifference, failing to act reasonably after being aware. The plaintiff had endured months of abuse from Correctional Officers in prospective incidents at the jail, continue months of unsanitary housing (i.e. No change of clothes, shower material, days without showers) and Religious slander by a jail official's. The plaintiff had contacted his brother, a Edward Knight, who in turn had contacted Sheriff Payne at the Sheriff Dept. Edward Knight at that time discussed these issues of housing conditions, telling defendant Payne of the abuse's, injury's sustained that were personally witnessed by Edward Knight, and the reports of unsanitary conditions and religious slander, at this time defendant Payne relayed concern to the issue's, Edward Knight emphasized the need for a review of the conditions, directly asked defendant Payne to stop the ongoing abuse's and conditions. telling defendant Payne he was going to proceed to the Board of Supervisor's and the state. defendant Payne relayed that it would not be necessary. Following this meeting the plaintiff was never called upon for research or investigation, was not contacted by any official's concerning the contact. after that time the plaintiff continued to suffer abuse and housing conditions, they continued to occur for

Long periods after words.

Defendant Payne being the Chief Correctional Officer for Harrison Co. violated the plaintiff's Constitutional rights when he acted with deliberate indifference, failing to act reasonably after being informed about the plaintiff's housing conditions that exposed him to serious physical and health harm, see *Helling v. McKinney*, 509 U.S. 25, 33 (1993) defendant Payne could have prevented these harms if he responded reasonably. see *Estelle v. Gamble*, 429 U.S. 97, 103 (1977)

IV

B) Specifically how defendant Diane Gatson-Riley violated his Constitutional rights

Defendant Gatson-Riley violated the plaintiff's 5th, 14th 8th amendment Constitutional rights to be free of unsanitary housing, abuse, excessive use of force, religious slander and failure to assist in any way by deliberate indifference, failing to act reasonably after and when Defendant Gatson-Riley was contacted by the plaintiff, and actually addressed issues by grievance, being aware and failing to assist, or bring the conditions to a stop. Where the plaintiff repeatedly contacted the defendant and endured abuse, ect: for long periods of time afterwards.

The plaintiff, after each incident of abuse had grievenced the acting and surrounding officers to defendant Riley. the plaintiff stated specifically stated the circumstances and abuse's, conduct of the officer(s). Defendant Riley would sometimes and sometimes not respond. defendant Riley would acknowledge a issue of abuse or state excessive use of force had occurred, but failed to discipline any officer's and/or relay to the plaintiff that he would be assisted. additionally the plaintiff grievenced a officer Cooke and Woullard, saying he was in fear of them because of their verbal threat (ing) gesture's and abusive practices to other inmate's. at this time defendant Riley denied the request, the plaintiff was assaulted by officer Cooke approx a day latter and Woullard months latter. whereas the plaintiff had requested defendant Riley to conduct some kind of restrictive or of controlling authority over these officer's. defendant Riley's denial to request resulted in the plaintiff sustaining serious injury. while defendant Riley was already aware of the officer's abusive history.

The plaintiff after being deprived of all of his belongings had grievenced the actions of a officer who packed and took all of the plaintiff's property from his cell. Moving the property to a seprate zone and never retrieved it back. defendant Riley did not respond to the grievence. after the non-response the plaintiff began submitting request that he had no change of clothes, his condition was becoming real dirty, the only pair of uniform he had he was wearing, forcing him to be naked on day's laundry was opporating. he told defendant Riley that the officer took all his extra under clothes (i.e. socks, underwear, "long john's") and he had no towel. he requested that his clothes be replaced. the plaintiff recieved no response to his grievence's. at one point he was prevented from receive forms so he wrote on borrowed paper. the plaintiff never received his property back nor received any new items through the assistance of defendant Riley where as the Condition and Continuing Contact exceeded two months.

Furthermore; defendant Riley failed to assist the plaintiff upon being beat and shot by a team of Biloxi task force police officer(s), he grievenced the incident the next day, he raised issues of being undeservedly beat and shot, not being provided medical help and the cell never being searched. defendant Riley had denied the grievence, placing the plaintiff to be blamed, she did not committ on no medical assistance. the plaintiff had appealed asking for an investigation where he had facts to offer, and witnesses supporting his view of actions taken. the grievence appeal was denied stating the matter was settled. the injuries are so severe he had lost a part of feeling in his leg. defendant Riley again failed to respond reasonably to his plea of assistance, each grievence was of significant importance. the plaintiff at this time was in lockdown (hole)

see, *Hewett v. Jarrard* 786, F.2d 1080, 1085-86 (11th Cir 1986) the deliberate indifference violated his rights, see, *Helling v. McKinney*, 509, U.S. 25, 33 (1993) defendant could have prevented abuses, unsanitary conditions etc: if acted reasonably with an investigation or inquiry, see, *Estelle v. Gamble*, 429, U.S. 97, 103 (1976) Being the Mayor of the facility defendant Riley had a duty to protect the plaintiff from violent treatment of guards, see *Whitley v. Albers*, 475, U.S. 312, 319 (1986)

(1) specifically how defendant Rick Gaston violated his Constitutional rights

Defendant Gaston violated the plaintiff's 5th, 14th, 8th amendment Constitutional rights against abuse/excessive use of force and 1st amendment right concerning religion and slander thereof. failing to provide medical treatment

Defendant Gaston entered the housing block with multitude's of staff with white "t-shirts and K-9 dog's. no disturbance's were had at this time, defendant Gaston came to the plaintiff's cell and ordered him to lay on the ground, face down with arms stretched out. the plaintiff complied, defendant gaston entered the cell with unidentified officer's. the defendant told the plaintiff to remain his position, asking him if he was "the one" giving his officer's problem's (at this time the unidentified officer's were mistreating the plaintiff, putting their feet on him by kicking his ribs, telling him to shut up when he was responding to defendant gaston) defendant gaston began telling him defendant didnt want to hear about him. at this time defendant Gaston became phisical putting his foot on the back of the plaintiff's Neck saying the plaintiff wasn't so tough in his current position, defendant Gaston started yelling at him about his earlier contact with another officer, began to kick the plaintiff's face asking him if it felt good, when the plaintiff tryed to reply he was yelled at. after minute's of the treatment defendant gaston steped on, and over the plaintiff's back as if he was a stepping stone. defendant gaston had looked around the cell in which scripture's were written on the wall's, defendant asked him if he had done it, Continuing by calling him a "Jesus freak" yelling at him with similar quote's. When defendant gaston seen the plaintiff's nose bleeding from being kicked in it he told the plaintiff to Not get off the ground untill the door was shut and locked, as he left he told the plaintiff to Clean the stuff off of the wall's. when the door was shut the plaintiff yelled "what's up with a doctor, my nose is bleeding" there was no reply and no medical person's came.

The plaintiff had sustained serious re-insury by being kicked in the face, as well as having his neck and back steped on. At the time the defendant encountered the plaintiff there was no disturbance, No disruptive action of the plaintiff. defendant

Gaston acted with the intent to cause injury and pain, the defendant's actions contribute to the plaintiff's current permanent back and neck problems and had a change of religion by cause of not wanting to be a "Jesus freak"; the plaintiff was assaulted even while complying with orders rendering himself in a non-lethal/aggressive position. see *Dellis v. Corr. Corp's of Am.* 237, F.3d, 508, 512, (6th Cir 2001) and *Helling v. McKinney*, 509, U.S. 25, 33 (1993) and *Thaddeus-X v. Blatter*, 175, F.3d, 378, 403 (6th Cir 1999)

VI

D.) Specifically how defendant Phill Taylor violated his Constitutional rights

Defendant Taylor violated the plaintiff's 5th, 14th, 8th amendment Constitutional rights to be free of serious bodily and health harm, failing to allow the plaintiff to call family, conduct and control a orderly Shakedown and fail to assure medical attention..

Defendant Taylor was contacted by the plaintiff who was beaten by other officers the plaintiff grievenced to defendant Taylor telling Taylor the serious injury sustained. defendant failed to respond to the plaintiff or assist him in any way, even when personally seen in jail hallway's. the plaintiff had contacted a friend who contacted internal affairs and defendant Taylor who then summoned the plaintiff who disclosed what happened, defendant Taylor would not summon the officers or allow the plaintiff to file a Complaint. during the phototaking of injury's defendant Taylor ordered the plaintiff to follow I.A.'s orders which destroyed the point of photo taking. the plaintiff had requested the abusing officers to be reprimanded and ordered to stay distant from him, defendant Taylor also denied that and request to take action to prevent further abuse. the plaintiff had been abused on latter date(s). defendant Taylor's reaction during the photo-taking was that the injury's were Not severe or harsh.. Additionally; the plaintiff was abused at on a latter date filing grievence to defendant Taylor that aside from abuse issue the collect Calling phone's were off, he asked the defendant to turn the phone's back on so he can call home. defendant Taylor had never replied to either the abuse or phone portion of the grievence.. furthermore; the plaintiff on this occasion sustained serious injury's where defendant Taylor was directing official during a Jail wide Shakedown

The shakedown was being conducted by Harrison Co. Jail officer's, fully masked and geared Biloxi task force police and unidentified officials in green uniform. defendant Taylor was acting overseer of operations of all the official's involved in the shakedown. upon understanding the unusual activity of lockdown the plaintiff had organized his belongings so they were easily accessed. defendant Taylor entered the area directing officer's of groups to seprate area's to begin shaking down. members Numbering 9 to 12 Biloxi task force police entered the plaintiff's foyer, while following order's the plaintiff had gotten beaten and shot, handcuff, shackled and dragged to a wall. during all this time defendant Taylor was continually directing order's to shakedown staff, while along -

- side a wall defendant Taylor had came to the plaintiff and seen his injury's and then spoke to the plaintiff who told defendant it feel's like his leg was broken, that he want's a doctor. defendant Taylor told him he was Not the only one who got shot and it wasent that bad. the plaintiff remained in his position for more than 45 minutes. after being released from his restraint's and returned to his Cell finding his Cell was never searched and had to spend all night in his Cell without any medical help. the next day Contacting family who caused Internal affairs (I.A.) and medical staff to attend to his need's. the plaintiff imidiately greved this issue to defendant Taylor and other's. defendant Taylor failed to respond to the grevence and request of investigation, even after the plaintiff listed issue's and witnesses supoiting the plaintiff was treated unnecessary and brutally. also disclosing the Cell was not searched and did not receive any medical treatment untill long after injury's sustained.

The plaintiff's institutional conditions were unconstitutional and he was not afforded any avenue of releif through defendant Taylor, or through other mean's at times like Contacting family ect. defendant Taylor allowed official's to run around the Jail like a pack of wild wolf's welding potentially leathal weapon's in which the plaintiff was shot with. afterword's being neglected by defendant Taylor who failed to assure any damage controol, being the directing officer. see *Combs v. Wilkinson* 315, F.3d. 544, 559 (6th Cir 2002), deliberately indifferent to injury *Gibson v. County*

of Washoe, 290, F.3d. 1175, 1187 (9th Cir 2002) and Gregory v. Shelby County, 220, F.3d, 433, 445, (6th Cir 2006) also, Walker v. Benjamin, 293, F.3d. 1030, 1037, 39 (7th Cir 2002) and Farmer v. Brennan, 511, U.S. 825, 842 (1995)

VII

E.) Specifically how defendant known Everett violated his Constitutional rights

Defendant Everett violated the plaintiff's 5th, 14th, 8th amendment Constitutional rights to be free from abuse or excessive force by deliberate indifference.

Defendant Everett, a internal affairs (I.A.) officer for Harrison County Jail, had first come into contact with the plaintiff on a unrelated abuse issue with a seprate inmate, where the plaintiff had been a witness. aprox two days prior to being interviewed by defendant Everett, the plaintiff himself was beaten by a officer. on the day of intervew with defendant everett the plaintiff's eye was black from his own beating. the plaintiff had been escorted by the same officer who beat him causing the black eye. the plaintiff was taken to defendant everett who had introduced himself and taken the plaintiff's statement. after the statement was taken the plaintiff was asked about his black eye, the plaintiff told defendant Everett he too was beaten and the abuseing officer has escorted him and was standing outside the door. defendant everett took the plaintiff's Name on paper but Neglected to follow up on the issue. additionally; the plaintiff and his family contacted the ~~plaintiff~~ defendant Everett, who persistantly disregarded the plaintiff's issues as irrelevant or minor. the plaintiff would sustain serious injury's where the defendant Everett would fail to pursue the issue to assist the plaintiff to receive relief or secure safety in any manner whatsoever. defendant everett would not allow the plaintiff to file a complaint and refused to assist the plaintiff in adressig the abuse issue's to prevent future or further abuse which had happend. see, Helling v. McKinney, 509, U.S. 26, 33 (1993) failing to respond reasonably to current and future abuse's, see Estelle v. Gamble, 429, U.S. 97, 103 (1976), as internal affairs he had a duty to protect the plaintiff Whitley v. Albers, 475, U.S. 312, 319 (1986) and Farmer v. Brennan, 511, U.S. 825, 835 (1994)

VIII

F.) Specifically how defendant Whorby violated his Constitutional rights

Defendant Whorby violated the plaintiff's 5th, 14th, 8th amendment Constitutional rights to be free from abuse, excessive force by deliberate indifference.

Defendant Whorby was contacted by the plaintiff and his family arising from an abuse where the plaintiff sustained serious damage. at this contact the plaintiff's family had to force defendant Whorby to take action on the plaintiff's behalf. forcing him to take photographs. the plaintiff accompanied defendant whorby and another officer (defendant Taylor) to the medical facility. the plaintiff had bruises and abrasions on his face, back, and side. the plaintiff was taken to a doctor's office with windows, despite the over adequate lighting in the room the plaintiff was forced, after argument, to stand in the overbearing sunlight coming through the small window which diminished the value of the photographs. after the photos were took defendant whorby refused to make out a report or allow the plaintiff to make record by producing witnesses ect: also defendant whorby refused to take photos and make a report for a related inmate abused over the same issue and official's. defendant whorby refused to direct or advise the other officer to address the abusive officer's and failed to take any measures to prevent future abuse which did occur, even after the plaintiff expressed a sincere need to have them taken.

Defendant Whorby had acted deliberate indifference to serious harm being inflicted on the plaintiff, see *Helling v. McKinney*, 509, u.s. 25, 33, (1993) where issue obvious enough to photograph, see *Estelle v. Gamble*, 429, u.s. 97, 103 (1976) and having a duty to protect the plaintiff *Whitley v. Albers*, 475, u.s. 312, 319 (1986)

IX

G.) Specifically how defendant Mike Cooke violated his Constitutional rights

Defendant Cooke violated the plaintiff's 5th, 14th, 8th amendment Constitutional rights to be free from abuse and or excessive force.

Defendant Cooke had first encountered the plaintiff this day at shift Change Count. where the plaintiff had verbal disagreements with the prior shift officers.

defendant Cooke had entered the plaintiff's cell and threatened him with gang affiliation and asking the plaintiff if he knew what a enforcer or strong arm is, the plaintiff replied in the negative, defendant Cooke told him he better watch what he say's and dose or else he will find out. the plaintiff asked if it was a threat telling defendant Cooke that the disagreement between the other officer and him was none of defendant Cooke's business who then told the plaintiff all of it was defendant Cooke's business, and if the plaintiff wanted some (to fight) then "to jump if he's feeling froggy". the plaintiff had told defendant Cooke to leave his cell. latter that day the plaintiff had went to Court when returning being told he is to live in another housing area (moving from lockdown hole) to General population and his property is in the new place already. the plaintiff objected but was passively forced to move. at the time Numerous officers were in the area. once the plaintiff was in the new zone defendant Cooke show's up being overwrought threatening the plaintiff telling him he was going to get what defendant Cooke wanted and was going to show the plaintiff what defendant Cooke was about. at that time the plaintiff was against the wall with defendant Cooke agressing him where police were standing nearby. as defendant Cooke was threatening the plaintiff while taking off the top portion of his uniform and jumping around. defendant Cooke had came at the plaintiff and swung on him which was dodged by moving around defendant and when the plaintiff got around him he ran and dived to the floor in front of the other officer's who imidiately approched the plaintiff and begin to put handcuff's on him aprox two or three officer's were securing shackle's. at that moment the defendant Cooke jumped on the plaintiff's back and full fisted punched him in his eye with a hook shot. using a forearm and bicept the defendant was chokeing the plaintiff telling him "this is what you wanted isn't it", "I told you you better check your self. defendant punching and chokeing the plaintiff while in restraints and face down on the ground where he could not speak or breath and close from passing out where defendant kept threatening him and moment's from passing out the

Defendant punched him in his face he then immediately passed out. When the plaintiff had regained consciousness he seen he was dripping blood to the floor and his face hurt extremely bad. he was being picked up by officer's he began yelling about his eye, an officer said he was allright, he was not mentally stable so he continued to yell about the blood and his eye. officer's took him to his Cell which was empty, being mentally distorted a nurse was not able to treat him. the plaintiff had gotten a big black eye, sore face and complicated nasal problems.. at the time of transferring to the seprate housing location he was not being disruptfull or phisically active with the officer's, there was no need to restrain the plaintiff, the objection was passive, at the time of encountering defendant Cooke and diving to the ground infront of the other officer's they were aware that the plaintiff went to them as a mean's of excape from defendant Cooke swinging on him. which is why the officer's did not have to restrain the plaintiff to place hand cuff's and Shackle's on him whare he was Cooperating. the plaintiff did this under the mistaken belief that if he put himself under the Control of non-abusive staff he would not be harmed. untill he was jumped on. Nevertheless under any Circumstance's once the restraint's were secure under these Circumstance's any assault, Close Fisted and Choking untill unconciousness, to the plaintiff's face and neck is extreemly excessive, and abusive with intent to inflict pain acting wontonly.. especially whare No order was needed to be restored or the plaintiff not acting institutionally disruptive. the Circumstance's Changed from passive to aggressive upon defendant Cooke's arrival

Defendant Cooke had assaulted the plaintiff after he was in full restraint's these action's were purely maliciously implied, Not to meet any security need. see *Pellis v. Corr. Corps of Am.* 257, F.3d. 508, 512, (6th Cir 2001), see *Hudson v. McMillian*, 962 F.2d, 522, 523 (5th Cir 1992), see *Duckworth v. Franzen*, 780, F.2d. 645, (7th Cir 1985) also whare other officer's had Control of the plaintiff's Body, see *Estate of Davis by Ostenfeld v. Delo*, 115, F.3d. 1388, 1394-95 (8th Cir 1997) and *Thomas v. Stalter*, 20, F.3d. 298, 302,

(7th Cir 1994), choking until passed out, see Valencia v. Wiggins, 951 F.2d 1446, 1447 (5th Cir 1993) and Wilson v. Seiter, 501 U.S. 294, 297, 303 (1991)

X

H.) Specifically how defendant J. Barn's violated his Constitutional rights

Defendant Barn's violated the plaintiff's 5th, 14th, 8th amendment Constitutional rights where he deprived the plaintiff of his personal and state property also violating 4th amendment where had to suffer unsanitary housing for long period of time.

Defendant Barn's had entered the plaintiff's Cell while the plaintiff was gone to Court, packing all the plaintiff's property moving it to a different housing area, along side of a wall. upon being returned from Court the plaintiff was notified that he was to go to the new section, his property was already there. while in the housing area a dispute arose in which during the course of the plaintiff seen and recognized his property, after the dispute the plaintiff was returned to his previous Cell in lockdown (hole) which was completely empty. after being in the Cell he asked for his property and was told defendant barn's had been the one who moved it. he then summoned defendant barn's who came afterwards. the plaintiff asked defendant barn's if he had moved the property, he had confirmed moving it. the plaintiff asked the defendant what he thought he was doing moving the property. defendant barn's said it was the only way that they were going to get him to move out of lockdown. the plaintiff then said "look I ant got nothing, I need my stuff", "are you going to get it back for me?" defendant Barn's replied "he" was not going to make any promise's, "hell, it's in B-Zone, 1/2 of it's probably already gone". while saying this he was walking away the plaintiff began yelling at him that he was cold and wanted defendant Barn's to bring his property back. defendant barn's walked out the door without replying. the plaintiff seen another guard at shift change who asked the plaintiff where his belongings were, he told the guard about the occurrence's and that he was cold, had to use the bathroom, and needed his property and toiletries, the guard told him what he could do. the guard never returned. the plaintiff was forced to use the bathroom without any toiletries, was forced to clean his Bloody nose twice with the

Clothes he was wearing, and without the benefit of any Blankett's or mattresses or any item's whatsoever having to sleep freezing overnite and continuing throughout the next day. the following day a new officer had asked him about his belongings, he explained and the officer returned latter with new State property saying all the original property could not be retrieved because inmate's in the seprate zone had taken possession of it. as a result the plaintiff wrote seprate grevences and had no other clothing. the officer said he could only get bedding material and was not able to obtain any clothing item's but would try again latter. for more than the next two month's the plaintiff was without any change of under clothes, forced to be naked on laundry day's, had to borrow a towel to shower. he would occasionally obtain a shirt or towel. after complaining for a long time to a sargent, who got the plaintiff some underwear and Sox's, after two month's of that unsanitary condition. eventually the plaintiff regained his full uniform. the plaintiff had bought all of his taken property, totaling aprox 60\$ to 70\$, beside's photo's, adresses's, letter's and other permanately lost property. after grevence's no disciplinary action was taken against the defendant. defendant barn's had acted malicious to intrently keep the property from the plaintiff when he refused, after confrontation, to return the property and left it for other inmate's to take.

The action's of the defendant deprived the plaintiff of all property after being aware he had ligitimate intrest to obtained, see Kelly v. laForce, 288, F.3d. 1, 7-8 (1st Cir 2002) and failing to return or resuply his housing material (i.e. toiletrie's, mattress) laieam v. Manson 651, F.2d. 96, 105 (2nd Cir 1981) and Thompson v. City of los Angeles, 885, F.2d. 1439, 1448 (9th Cir 1989)

XI

This section is made to save re-explanation, explaining occurrence of five defendant's jointly involved. this section will be referenced to for background information.

On this ocasion a officer had been acting officer over the lockdown (hole) location, providing shower, phone, Hour's out, New's paper ect: to inmate's of lockdown. the officer had bequre selective practice's allowing inmate's he was familiar with out for extend-ed hour's and enjoying uncomin prillage's. another inmate and the plaintiff started

to be denied our opportunity's by excuse of of not having enough time (because our time was given to the other inmate's), a dispute arose where the other inmate and plaintiff was allowed out. after 15 to 20 minute's were directed to return to the Cell's, the inmate and plaintiff refused, which involved other officer's, a officer who was contacted assured the plaintiff and inmate the afforded hour but the inmate was returned to his Cell as the plaintiff consulted the other officer, via speaker to tower, while speaking the inmate, from inside the Cell broke his handcuff's off his wrist throwing them in our direction outside the Cell. officer's pulled him back out to reprimand him, they picked up the cuff's and left, closing the foyer door behind them, the officer in the tower told the inmate and the plaintiff to return to the Cell, the inmate got mad breaking the tray flap and throwing it out of the door, the officer told the plaintiff and inmate to immediately return to our Cell's, which we did. aprox 15 to 20 minute's latter officer's Reese, Roger's, Woullard, Clark, Richard's, Le Jay and other's went to the inmate's Cell where Reese said "So you want to bust up my jail huh, we gona bust you up." they started beating the inmate, put him in handcuff's and took him out of the Block. awhile latter they all returned. the inmate told the plaintiff to "be cool, dont do nothin, jus chill out." after putting him in his Cell they came to the plaintiff.

XII

I.) Specifically how defendant D. Woullard violated his constitutional rights

Defendant Woullard violated the plaintiff's 5th, 14th, 8th amendment Constitutional rights to be free from abuse otherwise excessive use of force and failure to provide medical assistance to the plaintiff.

Defendant Woullard was overwrought from contact with another inmate (see section XI) prior to defendant Woullard entering the plaintiff's Cell he had complied with order's to lie face down. When defendant Woullard encountered the plaintiff ^{he} was already being hit and kicked in a face down position by another officer, defendant Woullard began to assault the plaintiff, punching and kicking him while face down. abuse from the officer's settled simotaneously, where another officer then put handcuff's and

shackles on the plaintiff while still in a face down position. the plaintiff was engaged in a interrogation type questioning where the plaintiff had prevailed on his innocence because other officers admitted to the denial of hours out ect: and the other inmate admitted to destroying the property, the plaintiff still was aggressively treated by defendant woullard who had assumed control of all questioning at this point. defendant woullard had continually commented to the plaintiff as if he was guilty, the plaintiff said "f-k you", defendant woullard became enraged saying "no one Cusses me", simultaneously jumping on the plaintiff, full fist punched the plaintiff's head making his face smash the ground saying unautiable things, after hitting and manhandling the plaintiff he took his sholder microphone cord and started Choking the plaintiff with it. the plaintiff began to make grunt noises Not able to breath or speak, other officers began to make stutterish noises words which made defendant woullard come to. defendant woullard began to look at everyone looking at him, he stoped imidiatly, got off the plaintiff where he started yelling "you murderer", "you are going to kill someone and end up next door to me", defendant woullard had imidiately left the zone.

Defendant woullard had begin to assault the plaintiff after he had submitted himself in a non-aggressive position complying with order's and being beat by another officer, importantly smashing the plaintiff's head and Choking him while in full restraint's, defendant's intention was to inflict pain woutonly knowing the restraints position he was in, his actions did not suport a need to meet any security hazzard's. *Dellis v. Corr. Corp's of Am.* 257, F.3d. 508, 512 (6th Cir 2001) the plaintiff did not see a doctor untill hours latter through unrelated staff, defendant did not take any action to provide medical help, *Hudson v. McMillian*, 962, F.2d. 522, 523, (5th Cir 1992), see *Duckworth v. Franzen*, 780, F.2d. 645, 652 (7th Cir 1985)

XIII

J.) Specifically how defendant tommy rogers violated his Constitutional rights.

Defendant Rogers violated the plaintiff's 5th, 14th, 8th amendment Constitutional

right's to be free from abuse or otherwise excessive use of force and Neglect to the plaintiff's serious medical needs.

Defendant Rogers being over wrought from contact with a different inmate (see section XI) after defendant Rogers with that inmate he came to the plaintiff's Cell, the plaintiff was orderd to lay face down, arm's spread out in the middle of the Cell. the plaintiff was fully complying, the instand defendant Rogers open the door him and other officer's rushed the plaintiff, he had to dodge a kick directed for the plaintiff's face, defendant Rogers began to assault the plaintiff in his face down position followed by two other officer's. the defendant punched the plaintiff in his face kicking the plaintiff. the abuse subdued simotaneously where the plaintiff was engaged in a interrogation like questioning, during this time defendant Rogers Continued to be ~~phys~~ physical such as putting his foot on the plaintiff's neck, while handcuffs and shackle's were being applied. during this treatment it was found the plaintiff had not done anything. another officer begin to assume control of the questioning in which the plaintiff was attacked again, after the incident the plaintiff was severely injured where the defendant had abruptly left the plaintiff without summoning any medical personnel. the defendant's actions were with the intent to hurt the plaintiff, hitting and kicking the plaintiff when clearly following order's and in a face down position, the defendant's actions were not to further controlling any dispute but to bring pain. see Hudson v. McMillian, 962, F.2d. 522, 523 (5th Cir 1992) and Dell's v. Corr Corps of Am. 257, F.3d. 508, 512. (6th Cir 2001)

XIV

K.) Specifically how defendant unknown Clark violated his Constitutional rights.

Defendant Clark violated the plaintiff's 5th, 14th, 8th Amendment Constitutional rights denying the plaintiff his daily hour's out, shower, and equal and fair privilage's as other prisoner's also to be free from abuse or excessive force and access to medical.

Defendant Clark had ben acting overseer of lockdown (Hole). at this time there were other inmate's defendant Clark was fimiliar with there. defend -

ant Clark had been denying the plaintiff his hourly out and other rights and privileges. the reason defendant Clark was denying the plaintiff is because he was allowing inmate's he was familiar with out for extended periods of time overlapping into the plaintiff's time frame. the plaintiff began to complain, coming into contact with a separate officer who promised he would be allowed his hour out. after complications the plaintiff and another inmate had been let out, approx 15 to 20 minutes latter defendant Clark had told the plaintiff to return to his cell. the plaintiff eventually returned to his cell after an argument (see IX)

after returning to his cell the plaintiff was ordered to the ground by a different officer, the plaintiff began to be attacked by defendant Clark who was already overwrought from dealing with another inmate (see section IX). upon entering the plaintiff's cell defendant Clark began to abuse the plaintiff by using his knees to knee the plaintiff in the ribs, punching him in his back and side, at the time defendant Clark stated to be abusive the plaintiff was in a face down position being attacked by two other officers. the defendant had caused the abuse by his selective practices and had first knowingly deprived the plaintiff of his rights and privileges and herein was join abusing the plaintiff with two other officers. officer defendant Clark was aware by direct complaint from the plaintiff to defendant about the rights/privileges, and was around watching the other inmate break things and knew the plaintiff had not broken anything, and did not deserve to be abused. despite the defendant's knowledge of the facts defendant Clark had hit and kneed the plaintiff with the intention to deliver pain, because he was aware the plaintiff was following orders to submit himself by lying face down and at the time of contact was being hit and kicked by two other officers in the face down position. see Dellis v. Corr Corps of Am. 257, F.3d. 508, 512 (6th Cir 2001) extra abuse not necessary Estate of Davis by Ostenfield v. Dello, 115, F.3d. 1385, 1394-95 (8th Cir 1997), see Hudson v. McMillian, 962, F.2d. 522, 523 (5th Cir 1992) Fail to get doctor walker v. Benjamin, 243, F.3d. 1030-34 (7th Cir 2002)

XV

L) Specifically how defendant Justin Richard's violated his Constitutional rights.

Defendant Richard's Violated his 5th, 14th, 8th amendment Constitutional rights to be free from abuse, excessive use of force and failed to secure medical treatment.

Defendant Richard's had observed the ongoing incident where the plaintiff had followed orders to lie face down on the ground, watching the plaintiff do so then be attacked by three officers, during the initial abuse defendant Richard's entered the plaintiff's cell and stood nearby watching, after the abuse subdued defendant Richard's had approached the plaintiff and put handcuff and shackle's on him.. after doing so watched a officer use his feet to kick and smash the plaintiff in his back, side and neck in a interrogation like questioning.. after the plaintiff had been subject to a second beating defendant Richard's began to remove the restraints ordering the plaintiff to remain in the face down position untill the door was shut and locked. after the door was secure the plaintiff went to it and called defendant Richard's back, when he appeared the plaintiff said "what part of the training is that," "is that in the manual?" defendant Richard's said nothing and turned to walk away, when the plaintiff asked "what's up with a nurse at least, I feel all f-ed up, my head and s-t hurt's", defendant Richard's still not saying anything looked at the plaintiff and walked away, the plaintiff did not get medical attention untill hours latter at aprox 2:00 in the morning by help of a unrelated officer,

Defendant Richard's in witnessing the whole occurrence failed to intervene to prevent abuse, also placed restraints on the plaintiff in a clear evident situation that regarding the plaintiff's compliance and non-strugleing, securing restraints were unnecessary. with knowledge of the situation that officer's were abusing the plaintiff while in a face down position from following order's, defendant Richard's was aware the abuse's would or could continue while restraints imposed. knowing this, he contributed to the abuse when he had known he was not going to prevent any further abuse after and even when he imposed the restraints.

After watching the severity of the abuse and extent of injury and pain caused to the plaintiff, defendant Richards failed to intervene where 3 officers abusing is excessive or abuse while in restraints, further failing to assist the plaintiff with medical needs, see *Dellis v. Corr Corp's of Am.* 257, F.3d. 508, 512 (6th Cir 2001) and failure to intervene, see *Smith v. Mensinger*, 243, F.3d. 641, 650-51 (3rd Cir 2002) failing to get nurse while knowing it's need. *Gregory v. Shelby County*, 220, F.3d. 433, 445 (6th Cir 2000) and *Thaddeus-X v. Blatter*, 175, F.3d. 378, 403 (6th Cir 1999) and *Walker v. Benjamin*, 293, F.3d. 1030, 1037-39 (7th Cir 2002)

XVI

M.) Specifically how defendant unknown Lejay violated his Constitutional rights.

Defendant Lejay violated the plaintiff's 5th, 14th, 8th amendment Constitutional rights to be free from abuse or excessive force, failing to provide medical.

Defendant Lejay acted as a simple observer when witnessing the plaintiff comply with officer orders to lie face down, after doing so he attacked by three separate officers three different ways during one incident. defendant Lejay watched a officer place restraints on the plaintiff when he was not being disruptive or struggling, was even following orders. also he outright beat up and choked while face down in the same restraints, defendant Lejay stood in the door way of the plaintiff's cell acting as a mere spectator where severe injury and pain was being inflicted to the plaintiff, and life threatening when being choked. after watching all the above failed to summon any medical personnel even when being asked by the plaintiff, who felt another officer was not going to do so. when calling defendant Lejay who approached and replied to the plaintiff's plea "yeah I know, you are going to have to wait a minute" she continued that she was next door, after summoning defendant Lejay a 2nd time found that she left.

Defendant Lejay's actions either by direct refusal or deliberate indifference violated the plaintiff's rights, see *Gregory v. Shelby County*, 220, F.3d. 433, 445 (6th Cir 2000) and *Thaddeus-X v. Blatter*, 175, F.3d. 378, 403 (6th Cir 1999) allowing abuse to

Continue Smith v. Mensinger, 293, F.3d. 641, 650, 651 (3rd Cir 2002) and Whitley v. Albers, 475, u.s. 312, 319 (1986) and Helling v. McKinny 509, u.s. 25, 33 (1993) and Skritich v. Thornton, 280, F.3d. 1295, 1305 (11th Cir 2002)

XVII

N.) Specifically how defendant unknown Desper violated his Constitutional rights.

Defendant Desper violated the plaintiff's 5th, 14th, 8th amendment Constitutional rights by failure to act or deliberate indifference to be free from abuse or excessive use of force and failed to provide medical assistance.

Defendant Desper acted as a simple observer alongside another officer when witnessing the plaintiff comply with officer order's to lie face down, after doing so he attacked by three seprate officer's, three different ways during one incident. defendant Desper watched a officer place restraints on the plaintiff when he was not being disruptive or struggling, was even following order's. also watched him be cut - right beat up and choked while face down in the same restraints. Defendant Desper stood in the plaintiff's door way acting as a mere spectator while severe injury and pain was being inflicted on the plaintiff, and life threatening when choked. after watching all the above failed to summon any medical personnel even while accompanying a officer who was asked in defendant Desper's presence. Leaving the area being unconcerned to prevent abuse or in the least see that medical assistance was provided. see Gregory V. Shelby County, 220, F.3d. 433, 445 (6th Cir 2000) and Thaddeus - X v. Blatter, 175, F.3d. 378, 403, (6th Cir 1999) allowing abuse to continue Smith v. Mensinger, 293, F.3d. 641, 650-51 (3rd Cir 2002) and Whitley v. Albers, 475, u.s. 312-19 (1986) and Helling v. McKinny, 509, u.s. 25, 33 (1993) and Skritich v. Thornton, 280, F.3d. 1295, 1305 (11th Cir 2002)

XIX

O.) Specifically how defendant unknown Byers Violated his Constitutional rights

Defendant Byers Violated the plaintiff 5th, 14th, 8th amendment Constitutional rights to be from abuse or excessive use of force

A dispute had occurred between the plaintiff and another officer in which defendant

defendant was called into. at this time the plaintiff was in the lockdown (hole).
 defendant Byers had been summoned to the front of the plaintiff's cell where the plaintiff had went to his rack after a verbal argument with another officer. upon defendant Byers arrival the other officer was telling the defendant of the event, in which the defendant radioed for the tower officer to open the cell door, the plaintiff was sitting on his bed watching and listening to the occurrence's where complications were had which caused an approx two minute delay of access to the cell. finally the door was opened where defendant Byers and the other officer approached the plaintiff while on his bed. the other armed co-officer began demanding of the plaintiff to lie face down on the ground, the defendant followed through with the same order when the plaintiff looked at the defendant and said "where do you think you are going to take me, we're already in the hole (lockdown), while speaking to the defendant the other officer punched the plaintiff and ambush like tackled him on his bed, where punching and hitting the plaintiff defendant Byers began attacking the plaintiff where defendant Byers and the other officer ripped the plaintiff from his bed slamming him to the floor. when the plaintiff hit the floor the defendant pulled out his metal baton and began striking the plaintiff in his mid-lower sections, when the plaintiff felt the hitting he tried to gain safety failing to do so because attack from the other officer. after hitting the plaintiff with the metal baton numerous times the defendant pulled out his mace and told the other officer that he was going to "hit him with mace, watch out" at that moment the other officer restrained the plaintiff's arm's where defendant Byers sprayed the plaintiff's face with mace. then ~~the~~ ^{defendant} radioed for assistance putting the plaintiff in handcuffs where he was taken to the shower area. at the shower the plaintiff spoke to a sergeant who reprimanded defendant Byers.. defendant Byers failed to assist the plaintiff when struck by the other officer, where he was sitting on his bed before and after contact and the issue between the plaintiff was verbal from inside and outside the cell. and the incident occurred in lockdown where the plaintiff could not be transferred to anywhere under any disciplinary action.

the defendant encountered the plaintiff where at all times he was non-active and was peaceful. defendant Byers proceeded to jointly attack the plaintiff where his force lacked any restorative attributes, they were aggressive as unnecessary striking the plaintiff inflicting serious pain and injury then proceeding to use the maximum amount of force available spraying the plaintiff with mace in the face as a first or second resort and not a last. such force should not have been utilized until restraint (ive) action proved to be useless or futile. the manner and amount of force was seriously excessive where it was not used to restore order or disturbance of the plaintiff. order was had at the time of contact, No force at all was necessary see, *Treats v. Morgan*, 308, F.3d. 868, 874, (8th Cir 2002) and *Hudson v. McMillian*, 963, F.3d. 522, 523 (5th Cir 1992) failure to intervene, see *Smith v. Mensinger*, 293, F.3d. 641, 650-51 (3rd Cir 2002) and *Vinyard v. Wilson*, 311, F.3d. 1340, 1355 (11th Cir 2002)

XIX

P.) specifically how defendant unknown Chauncy violated his Constitutional rights.

Defendant Chauncy violated the plaintiff's 5th, 14th, 8th amendment Constitution rights to be free from abuse, excessive force, denial of Hour out, news paper, refusing plaintiff action to fair officer's or summon supervisor's.

Defendant Chauncy was acting supervisor of lockdown activities where he maintained, regulation of shower, hour out time, circulation of news paper ect: during defendant Chauncy's shift the plaintiff would not be allowed his hour out, upon the next shift the plaintiff would request his hour out and would be told that defendant Chauncy registered the plaintiff as having already given it to him. during this period the daily news paper would be passed out and each inmate before him had the news paper aprox 40 to 50 minutes. defendant Chauncy would only allow the plaintiff 15 to 20 minutes. after repeated communications of these the plaintiff confronted defendant Chauncy, who refused to allow the plaintiff access to his supervisor, and the plaintiff saw the "register form" marked displaying the plaintiff received his hour out when he had not.

but defendant Chauncy wanted him to sign the form acknowledging so, the plaintiff said he was not going to sign it and he was angry about the news paper ect.:. defendant Chauncy told the plaintiff that he didnt run anything, started to ridicule the plaintiff about his position, saying "That's why you are in here (in jail) and I'm (defendant) out here" (a officer). the plaintiff told the defendant he was tired of being screwed over, defendant talking crazy, taking the news paper, and not getting the shift sargent. defendant Chauncy told the plaintiff he can either sign it or Not, because if he dosent it will get marked refused. the plaintiff said he will sign it, when he received the "register form" he drew a line on the sections with his name on it. he then started telling the defendant he was not going sign for anything he wasent getting and write "refused" on that. the plaintiff dropped the register form on the ground outside of his cell which made defendant Chauncy realy mad. defendant Chauncy Kicked at the plaintiff's ~~foot~~ hand outside the cell (there is a tray hole slot in door). at that time defendant Chauncy called to a nearby officer to assist him. the plaintiff began to think about the situation and went and sat on his bed. after complication's whare aprox two minute's passed by the defendant and other officer gained access to the cell approaching the plaintiff on his bed. an angry defendant Chauncy ordered the plaintiff on his rack to lye face down on the floor, the plaintiff asked the defendant "for what, I an't done nothin", the other officer reasserted the order to lye face down, the plaintiff while looking at the other officer and talking to him was punched and taked by the defendant Chauncy, at that time the other officer also started attacking him whare he was riped off of his bed and slammed on the floor whare defendant Chauncy continued to hit him, the plaintiff feeling serious pain realized the other officer was hitting him with the metal stick, the plaintiff then tried to get up and gain safty but couldent do so by continuace attack by defendant Chauncy, at a point the other officer declaired he was going to "hit him with mace", defendant Chauncy then grabed the plaintiff's arms and restrained them at that point the plaintiff was sprayed in the face with mace, handcuffed

taken to a shower. at the shower he spoke to the shift sargent who he told he had been trying to get ahold of all week, told the sargent of all the issues and how he had been treated. the sargent had Reprimanded the defendant, saw to all of the plaintiff's needs and returned to his Cell. the sargent had Relocated the defendant where he was not allowed to supervise lockdown any longer.

Defendant Chauncy unfairly and unequally treated the plaintiff with his rights and privilege's while abusing his supervisory authority, constantly chastised the plaintiff about being chastised, also attacked the plaintiff while sitting on his rack at the time when peace and order was had. defendant Chauncy's actions while punching the plaintiff had no restrictive or restictive value, and the confrontation was verbal and not physical, finalized when the plaintiff dropped the form's outside the cell. at no time did the plaintiff become physically disruptive when the defendant entered the cell, defendant Chauncy had not tried to restrain the plaintiff but assault him. defendant during the whole period had the ability to immobilize the plaintiff but only exercised the ability when being sprayed in the face with mace, providing that he chose to abandon restrative force for assaultive force and only used restrative force to see the infliction of more injury and pain, being Wanton and malicious, see *Headwaters Forest def v. County of Humboldt*, 276, F.3d. 1125, 1131, (9th Cir 2002) and *Hudson v. McMillian*, 962, F.2d. 522, 523 (5th Cir 1992) and *Spell v. McDaniel*, 824, F.2d. 1390, 1400 (4th Cir 1987)

XX

The below section is divided into two seprate "A" sections because John does involve two seprate incidents. the total John doe's are ^{eight} ~~eight~~ 8, but two involve one incident and six involve a seprate. listing the two John doe's first and six second.

XXI

Q - (1)) (A) Because the John doe's accompanied each other and their conduct dose not differ in any way they are jointly listed herein.
Specifically how John doe's (A-B) Violated his Constitutional rights

Defendant John doe's violated the plaintiff's 5th, 14th, 8th Constitutional rights by failure to act or deliberate indifference to be free from abuse or excessive force and failed to provide medical assistance.

Defendant(s) John doe (a) (b) acted as simple observer's alongside another officer when witnessing the plaintiff comply with officer's order's to lie face down, after doing so he attacked by three seprate officer's, three diffient way's during one incodent. defendant's wached a officer place restraint's on the plaintiff when he was not being disruptive or struggling, was even following order's. also wached him be outright beat up and ~~choked~~ choked while face down in the same restraint's. Defendant's stood in the plaintiff's doorway acting as a mere spectator while severe injury and pain was being inflicted on him, becoming life threatening when choked. after waching all the above failed to summon any medical personnel even while accomponyng officer was asked in the defendant's presence. leueing the area unconcerned for the plaintiff to prevent abuse or in the least see that medical assistance was provided. see Gregory v. Shelby County, 220, F.3d. 433, 445 (6th Cir 2000) and Thaddeus -x v. Blatter, 179, F.3d. 378, 403 (6th Cir 1999) allowing abuse to continue Smith v. Mersingel, 293, F.3d. 641, 650-51 (3rd Cir 2002) and Helling v. McKinny, 509, U.S. 2533, (1993)

XXII

Q-(2)-(b) this section of "Q" for John doe's is part two of "Q" outlining how the seprate John Doe's violated the plaintiff's rights, being three section's "A", "B", "C".

XXIII

The plaintiff herein set's the sean for understanding, for save of rewriting repeatedly this section will be referenced to.

On this given day there was no disturbance in the housing unit nor with the plaintiff. the plaintiff had noticed unusual movement beyond the housing section and learned a institut-
-ional "shakedown" (cell/person's searches) were being conducted. the plaintiff inside his cell began to appropriate his belongig's so that no breaking or tearing of his property was necessary. the first entering the unit was a Capt: Taylor who was

directing the shakedown, which consisted of Harrison County jail officer's, Biloxi police task force officer's and a set of officer's in green uniform's with helmet's. the plaintiff had never seen before or after the Biloxi police nor green suited police. Capt: Taylor was dispatching Bittin group's to area's, dispatched to the plaintiff's area was the Biloxi police task force. within the plaintiff's foyer was himself and a seprate inmate within our prospective cell's. When a Biloxi police officer had entered the plaintiff's cell he put his hand's up and said "key look, whatever you want me to do I ant got no problem with it, I dont want no trouble". the officer looked at the plaintiff and said "o.k. Come with me, Come out slow". the plaintiff slowly exiting the cell looked at the police officer for further direction's. When the plaintiff was in the foyer he was confronted by four other officer's who started yelling at the plaintiff where he was hit by the side officer as looking at the yelling officer, the plaintiff did not hear clearly after that because of being punched in the head and body while pushed and kicked. after being beat about senseless and fell to the ground, once on the ground no longer than five second's he was shot by a officer standing behind him. he was not aware he had been shot at first, untill his leg and finger hurt extremely bad. the plaintiff thought his leg and finger was broken untill he was informed he was shot. the rifleman had left to another area as well as first police officer. after being shot on the ground the plaintiff was kicked in the back, handcuffed and shackled and dragged to another area. at this location Capt Taylor seen the plaintiff as well he was ridiculed by officer's. in the facedown restrained and shot position the plaintiff after about 50 minute's was released from his restraint's, helped to his feet and back to his cell, after being denied medical assistance and entering his cell he seen it was never searched. the plaintiff encountered officer's showing them his wound's but could not get medical help. the next day the plaintiff got to a phone where his family got him medical help and internal affair's photographed the wound's.

XXIV

2 - (27) - (A) Specifically how defendant John Doe (1) Violated his Constitutional rights

Defendant John doe (1) violated the plaintiff's 5th, 14th, 8th amendment Constitution right to be free from abuse or excessive force or by deliberate indifference, failing to prevent abuse, and failing to conduct activities in furtherance of institutional shake down objective and failing to summon medical personnel.

Defendant (1) John doe in light of section (XXIII) had approached the plaintiff and acknowledged his surrendering, the defendant ordered the plaintiff to go slowly as followed. While following the defendant's orders was attacked by other officers, the defendant when watching the officer's attack the plaintiff failed to prevent the assault, despite the circumstances occurring because of following orders which placed him in a hostile situation. After watching the plaintiff be hit, pushed, kicked and shot ^{defendant} failed to intervene and display that the plaintiff was following orders and was not in need of abuse. Nor did the plaintiff get assistance from defendant that would have brought him safety, after viewing all occurrences failed to provide medical assistance when knowing the extent of the injury and pain suffered by the plaintiff. When the plaintiff returned to his cell he found it undisturbed, the defendant failed to search the plaintiff's cell even after watching the plaintiff be treated as he had. He allowed the plaintiff to be abused and not allow that abuse contribute to the objective of the cell search.

Defendant John Doe (1) had been negligent in advising and ~~order~~ ordering the plaintiff as he had, subjecting him to serious harm, defendant had been traveling with this group prior to encountering the plaintiff and knew of the group's hostility, and knew if he ordered any inmate in the manner he did the plaintiff, they would be subject to such treatment. While being aware of this, was able to, but did not, order the plaintiff in a way that would have prevented his traumatic abuse's., see *Helling v. McKinney*, 509, U.S. 25, 33 (1993), *Fail to prevent abuse Smith v. Mensinger*, 293, F.3d. 641, 650-51 (3rd Cir 2002) and *Walker v. Benjamin*, 293, F.3d. 1030, 1037-39 (7th Cir 2002)

XXV

Q - (2) - (3) Specifically how defendant's John doe's (2) (3) (4) (5) violated his constitutional rights because defendant's (1) - (4) violative activity are reletively similiar and they acted

Jointly and Simotaneously they are listed herein together.

Defendant's (2) (3) (4) (5) violated the plaintiff's 5th, 14th, 8th Amendment Constitutional rights to be free from abuse, excessive force, failing to prevent abuse, failure to provide medical assistance, failure to substantiate abuse with their objective.

Defendant's (1) (2) (3) (4) had encountered the plaintiff while he was following order's of another officer, see section (XXIII) in which the plaintiff had not been acting in any aggressive or disruptive manner. the plaintiff was standing where he was directed. defendant's (2) (5) had resorted to punching, hitting the plaintiff simotaneously yelling at him, defendant's would close fistel punch the plaintiff and push him into another officer, who would inturn do the same or kick him, resembling a mosh pit, the plaintiff had become unaware of his surrounding's by being hit in the head so much, he fell down and no less than five second's later was shot. after being shot a defendant kicked the the plaintiff in the back and layed face down, when on the ground a defendant put his foot in the plaintiff's neck while a seprate defendant put hand cuff's and shackle's on the plaintiff. once the restraint's were secule a defendant had Grabed the shackle Chain and dragged the plaintiff to another location. at this location the defendant's would ridicule the plaintiff about his injury. after being in this location restrained for aprox 50 minute's the plaintiff was unrestrained by a diffrent officer and returned to his Cell and found the Cell undisturbed, not searched.

Defendants action's were excessive in force, the plaintiff before and after exiting his cell never rebelled, was never aggressive showed no sign's of disturbance. the defendant's action's were not in attempt to Restore any order, they did not contribute to securing any safty. furthermore; the defendant's did not attempt to actually restrain the plaintiff, at all time's he was hit with closed fist and pushed and kicked none of the four defendant's attempted to restrain or control the plaintiff's body or limb's. the plaintiff was actually beaten, with being punched Numorous time's over his body, Kicked even after being shot and stepped on in the neck and only then did the plaintiff's arms be put behind his back or restrained. as well his leg's. additionally when the plaintiff was encountered there was no disturbance where peace needed to be restored. when the defendant

started beating the plaintiff, their objective became to use excessive force because the aggression did not contribute to their goal of Shakedown, whereas the plaintiff's cell was never searched. after the action's the defendant's failed to provide medical assistance which further supports the defendant's position that they were not concerned with the injury and suffering inflicted to the plaintiff that they caused. see *Dellis v. Corr Corps of Am.* 297, F.3d. 508, 512 (6th Cir 2001) and, *Hudson v. McMillian*, 902, F.2d. 522, 523 (5th Cir 1992) four guards hitting plaintiff excessive *Thomas v. Stalter*, 20, F.3d. 298, 302 (7th Cir 1994), *Gregory v. Shelby County*, 220, F.3d. 433, 445, (6th Cir 2000) and *Smith v. Mensinger*, 293, F.3d. 641, 650-51 (3rd Cir 2002)

XXVI

2-(2) (c) Specifically how defendant John doe (6) violated his Constitutional rights
 Defendant (6) John doe violated the plaintiff's 5th, 14th, 8th amendment Constitutional rights to be free of abuse or excessive-leathal force, failing to provide medical assistance.
 Defendant John Doe (6) had observed the plaintiff be encountered by four other officers in which he was being beat, hit, kicked. the defendant failed to intervene with the action's of other officer's where clearly he was not being disruptive, or acting in such a manner that produced a need to restore order. when he was not being restrained by any of the four officer's. while observing this occurrence defendant John Doe (6) had not taken any action to shoot the plaintiff untill he was already on the floor. the moment's after hitting the floor the defendant John Doe (6) shot the plaintiff with a potentially leathal wepon, a rubber bullet gun, causing a loss of feeling in part of the plaintiff's leg, shooting the plaintiff from a proximately 2 to 3 feet away. under the circumstance's the defendant's action's were unnecessary when the plaintiff was already on the ground, and had other option's than shooting the plaintiff when he was not disruptive. the action's of the four officer's and defendant John Doe (6) are equal to those needed in a full fledged riot. the plaintiff was not a one man riot. nor was he disruptive. the defendant exercised ~~his~~ his ability to shoot only to inflict pain. the circumstance's did not produce the need to be shot

While being attacked by four officers and being on the ground, the action's of shooting the plaintiff did not then render him incapacitated, he was incapacitated already then shot. additionally did not provide any medical assistance from being shot from two feet. the action was wonton when the defendant did not shoot the plaintiff in order to further the objective of Searching the Cell. Whereas the Cell was never searched. see *Treats v. Morgan*, 308, F.3d. 868, 874 (8th cir 2002) and, *Johnson v. Lucas*, 786, F.2d. 1254, 1257 (5th cir 1986), *Marquez v. Gutierrez* 322, F.3d. 689, 962 (9th cir 2003) and *Thomas v. Stalter*, 20, F.3d 298, 302, (7th cir 1994) *Cooper v. Dyke*, 814, F.2d. 941, 945, 48 (4th cir 1987) and *Gregory v. Shelby County* 226, F.3d. 433, 445 (6th cir 2000) and *Smith v. Messenger*, 293, F.3d. 641, 650-51 (3rd cir 2002)

XXVII

R.) in response to the plaintiff disclosing to the Court the full names of the defendant's named in this action, specifically unknown Everett, Whorby, Clark, Lejay, Desper, Byers, Chauncy and John Doe's. The plaintiff while housed in the jail only known these defendant's as the names provided. the John doe's the plaintiff never encountered before and after the incidents. the John Doe's of Biloxi task force police were only at the jail for a few hours, they were in full head and body armor.

XXIX

The plaintiff had contacted the institutional legal administration where he is housed and she, namely a Linda Robinson has informed the plaintiff that she is not able to assist the plaintiff with providing the Court any applicable case law ect: that allows him to proceed without that information. the plaintiff dose continue exercising due diligence.

XXIX

The plaintiff dose pray the Court proceed with his action in lieu of not providing the full names of the defendant's, he is still trying to contact the County Jail to receive the names. the plaintiff provides for the Court that the Harrison County adult detention Center where this action derives from dose have and hold

full record's of the name's of the plaintiff's and record's of alligation's herein upon proceeding ahead the plaintiff would assuandly be able to provide the Court with the full name's of the defendant's when any discovery process is invoked, upon that process the plaintiff will suppliment the record and Court with those name's. *Murphy v. Hellas*, 950, F.2d. 290, 293 (5th cir 1997)

XXX

The plaintiff further state's that even though he is not able to provide the full name's of the defendant's the alligation's herein which the defendant's are true and correct and dose violate the plaintiff's right's.

Verification.

the plaintiff, I, Armstrong J. Knight do hercbly swear the above is true and correct as is.

Signed this 26th day of May 2005. Armstrong Knight
Signed.

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